

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

AL-MUHAMMAD ALEEK SHABAZZ,	:	
a/k/a ROGER L. DENNIS, JR.,	:	
	:	C.A. No. 06-372-GMS
Plaintiff,	:	
	:	
v.	:	
	:	
FIRST CORRECTIONAL MEDICAL	:	
SERVICES, ET AL.; CORRECTIONAL	:	
MEDICAL SERVICES, INC., ET AL.,	:	
	:	
Defendants.	:	

**DEFENDANT CORRECTIONAL MEDICAL SERVICES, INC.'S  
REPLY IN SUPPORT OF MOTION TO DISMISS  
PURSUANT TO 18 DEL. C. § 6853**

Defendant, Correctional Medical Services, Inc., by and through its undersigned counsel, hereby replies to the Plaintiff's Answering Brief (D.I. 23) and reiterates its request that all medical negligence claims be dismissed with prejudice as a result of Plaintiff's failure to comply with the requirements of 18 Del. C. § 6853 (D.I. 21). Plaintiff's papers (D.I. 23) fail to cure this deficiency.

Plaintiff's papers also request this Court "schedule an emergency trial" (D.I. 23 at 1). Defendant opposes any such drastic measure. Trial should not take place until the parties have had sufficient time to conduct discovery, retain experts, and locate and interview witnesses. A regular scheduling order has not even been entered yet.

Wherefore, for the foregoing reasons, Defendant Correctional Medical Services, Inc. respectfully requests the Court grant its Motion to Dismiss Pursuant to 18 Del. C. § 6853 and enter the Order attached thereto.

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**BALICK & BALICK, LLC**

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Date: August 22, 2007

**CERTIFICATE OF SERVICE**

I, James Drnec, hereby certify that on the 22<sup>nd</sup> day of August 2007, the foregoing Defendant Correctional Medical Services, Inc.'s Reply in Support of Motion to Dismiss Pursuant to 18 Del. C. § 6853 was filed via CM/ECF and served First Class Mail upon the following:

**FIRST CLASS MAIL**

Al-Muhammad Aleek Shabazz  
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/s/ James E. Drnec  
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